PLANNING COMMISSION SPECIAL MEETING AGENDA

Monday, July 15, 2024 at 6:00 PM

Kerman City Hall, 850 S. Madera Avenue, Kerman, CA 93630

Para asistencia en Español sobre este aviso, por favor llame al 559-846-9386.

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1. NOTICE AND CALL OF A SPECIAL MEETING OF THE KERMAN PLANNING COMMISSION

MONDAY, JULY 15, 2024

6:00 PM

A. Call to Order **@ 6:04 P.M.**

B. Roll Call **Present: S. Bishop, K. Nehring, C. Molloy, R. Felker, R. Bandy**

C. Pledge of Allegiance **Performed**

D. Introduction of Staff

Staff Present: Juliana Gomez, Recording Secretary; Jenna Chillingerian, Contract Senior Planner; Bonique Emerson, Contract Planning Manager; Jesus Gonzalez, Contract City Engineer; Jesus Orozco, Community Development Director; Shannon Chaffin, Assistant City Attorney; John Jansons, City Manager

LEVINE ACT DISCLOSURE. Pursuant to the Levine Act (Govt Code Section 84308), any party to a permit, license, contract, or other entitlement before the Planning Commission is required to disclose on the record any campaign contribution, including aggregated contributions, of more than $250 made by the party or the party's agents within the preceding 12 months to any City official. Participants and agents are requested to make this disclosure as well. The disclosure should be made when the agenda item is called and must include the name of the party, participant, or agent, and any other person making the contribution, the name of the recipient, the amount of the contribution, and the date the contribution was made. Commissioner Members are also required to make such disclosures and recuse themselves.

CONFLICT OF INTEREST. Commissioner Members with a conflict of interest under the Political Reform Act are required to disclose their financial interest when the item is called and recuse themselves.

DISCLOSURE OF EX PARTE COMMUNICATIONS. Commissioner Members are asked to disclose any communication they have had with applicants or members of the public regarding an item on the agenda when the item is called.

2. REQUEST TO ADDRESS COMMISSION

This portion of the meeting is reserved for members of the public to address the Commission on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. It is requested that no comments be made

during this period on items on the Agenda. Members of the public wishing to address the Commission on items on the Agenda should notify the Chairperson when that Agenda item is called, and the Chairperson will recognize your discussion at that time. It should be noted that the Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

NONE.

3. PUBLIC HEARINGS

A. **SUBJECT:** A continued public hearing regarding Annexation 2023-01, Mitigation Negative Declaration 2023-01, Rezone 2023-01, General Plan Amendment 2023-01, Tentative Subdivision Map 2023-01, Development Plan Permits 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01 pertaining to the Whispering Falls residential development, located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, and 020-041-47S) (JRO & BE)

Chairperson Bishop recused himself as he lives within the 500 ft. radius of the Whispering Falls project and may have a financial interest in this project. Vice Chairperson Nehring will carry the meeting.

Vice Chairperson Nehring & Commissioner Molloy disclose ex parte communication that Mr. Boyd with Mr. Ken Boyd, project proponent. Mr. Nehring stated Mr. Boyd had shared with him how excited he was for the project. Ms. Molloy stated she had discuss the project with Mr. Boyd prior to being a Planning Commissioner.

Contract Planning Manager Bonique Emerson (Ms. Emerson), presented the project.

Vice Chairperson Nehring asks if Modoc is being vacated.

Ms. Emerson it is a complete vacation of this property; Will happen once it is annexed within City limits. This will occur South of California.

Commissioner Bandy asks if solar will be included.

Ms. Emerson responds per CA residential code, solar will be a part of this new project as well as sprinklers.

Ms. Emerson stated on records that the CUP and Development Plans presented if approved, would be contingent approval, until City Council approved the Annexation, General Plan Amendment, Rezone/Prezone and Subdivision Map. Due to shared driveways, staff recommends a cross access agreement condition added to the CUP and Tentative Sub-Division Map.

Vice Chairperson Nehring opened the public hearing at 6:39 P.M.

Dan Zoldak, Civil Engineer of Whispering Falls, asking to work with staff and see a written conditions of approval prior to City Council hearing due to minor changes made by staff. Changes including Northern wall height, traffic light, additional acreage annexation, Modoc vacation, etc.

Ms. Emerson responds to Mr. Zoldak concerns over additional 20 acres mentioned as part of the annexation, confirms City has been in contact with property owner of additional 20 acres and the inclusion of the additional 20 acres is City-initiated.

Mr. Chaffin explains in regards to annexations, the state requires big chunks of property to come in not little pieces.

Ken Boyd requesting PC to choose street names purposed by the developer instead of staff's recommendation.

Commissioner Bandy has concerns over industrial odors near proposed site.

Mr. Boyd responds homes will have purified air system and reiterates solar is also included with project.

Caroline Edwards, owner of 20 acres adjacent to proposed Whispering Falls that is included in the annexation. Mrs. Edwards states APN number on PC Agenda and Ms. Emerson's presentation is wrong as well as acreage number.

Ms. Emerson has some clarifications, confirms that APN is and will be correct in the final resolution.

Mr. Chaffin is prompted by Vice Chairperson to explain CEQA and right to farm disclosure.

Commissioner Molloy inquires about precautions in place regarding fence on the South end of development along the train tracks.

Dan states there will be 7ft wall along the train tracks.

Commissioner Molloy inquires if hiking trail will connect to project.

Mr. Orozco responds there is no trail associated with project.

Mr. Chaffin clarifies CUP is approved by PC, tentative subdivision map will be going to City Council.

Commissioner Felker asked if staff has any concerns, expresses preference for a 7 ft wall instead of a 6 ft wall.

Mr. Orozco states a smart development does not have a specific height requirement. As for the project, staff has worked with the applicant and their developer team along with internal and outside agencies (North Central Fire, Cal Trans, Fresno Irrigation District, etc.) to ensure everyone's comments and concerns are thoughtfully considered.

Commissioner Felker inquires about overflow of traffic flow from project.

Mr. Orozco responds traffic from development will use Siskiyou and California.

Vice Chairperson Nehring inquires about anticipated volume counts.

Mr. Orozco states that staff does have an idea.

Ms. Emerson reads trip generation counts from the Traffic Impact Study, which are also included in the agenda packet.

Vice Chairperson Nehring inquires whether Siskiyou and California will be designed to handle new traffic. As well as, if there is anything planned for the California train tracks.

Mr. Orozco responds there is no concern over the railroad tracks nor nothing is planned.

Vice Chairperson Nehring asks if railroad has commented on 6 ft wall or 7 ft wall.

Mr. Orozco responded there are no comments from railroad.

Vice Chairperson Nehring asks applicant if they are ok with a 7 ft block wall towards the tracks, and 6 ft wall all the way around.

Mr. Boyd responds yes in agreement.

Dan states customer is ok with Planning approval on block wall, color, design, etc.

PC decided to vote on motions independently.

RECOMMENDATION: The Kerman Planning Commission conduct a public hearing, deliberate, and by motion, adopt:

1. A resolution of the Planning Commission recommending to the City Council to initiate annexation for the Whispering Falls residential project consisting of 5 parcels identified as APNs 020-160-36S, 020-160-18S, 010-160-19S, 020-041-45S, and 020-041-47S containing approximately 60 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad (Annexation 2023-01), and adopt Mitigated Negative Declaration (ENV 2023-01) and Mitigated Monitoring and Reporting Program; and

With the correction of the APN # 010 to 020.

Commissioner Felker motioned, seconded by Commissioner Molloy:

Vote: Yes *(Felker, Bandy, Molloy, Nehring) Noes: (None) final vote 4:0:1*

Noes: NONE

Recusals: S. Bishop

2. A resolution of the Planning Commission recommending to the City Council approval of i) General Plan Amendment 2023-01 to amend the 2040 Kerman General Plan to add the SD-R-2.5 Zoning District as a compatible zoning district within the Medium Density residential land use designation and set a minimum residential density of five (5) dwelling units per acre; and ii) Rezone 2023-01 to amend the official zoning map of the City of Kerman to prezone approximately 41.49 acres (APNs 020-160-36s, 020-160-18s, 020-041-45s, and 020-041-47) to the Smart Development Combining District – Residential – Minimum 2,500 square feet (SD-R-2.5) Zoning District and approximately 20 acres (010-160-19s) to the Smart Development Combining District – Residential – Minimum 5,000 square feet (SD-R-5) Zoning District; and

Commissioner Molloy motioned, seconded by Commissioner Felker.
Vote: Yes *(Felker, Bandy, Molloy, Nehring) Noes: (None) final vote 4:0:1*

Noes: NONE

Recusals: S. Bishop

3. A resolution of the Planning Commission recommending to the City Council approval Tentative Subdivision Map 2023-01 for a property located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APN 020-160-36S); and

Mr. Chaffin clarifies approving resolution making the recommendation on the tentative subdivision map with subject to conditions of approval (COAs) articulated by staff (to wit: add condition to require right to farm disclosure per General Plan policy LU-4.5; allow reduction to 6 foot wall (locations not at train tracks) if allowed by Municipal Code, require cross access easement agreements for shared driveway approaches; removal of COA C(1)(b) [Modoc Avenue]; clarification of C(1)(c)(i) [restripe prior to exceeding 50% of occupancy permits] and (ii) [install traffic signal or pay fair share]; clarification of C(1)(d)(i) [restripe prior to exceeding 50% of occupancy permits] and (ii) [install traffic signal or pay fair share]; remove D(3)(b) [Modoc 15" sewer main] and E(3)(b) [Modoc 12" water main]; clarify F(3) [where surface drainage is not possible], remove F(3)(b) [Modoc 12" water main], and remove F(3)(b) [Modoc Avenue masonry block wall]; remove G(1)(b) [Modoc frontage development]; and change H(3) to remove the requirement for concrete masonry block and instead allow fence or walls), subject to clarification on Modoc approval with developer, and recommendation on naming streets per option B as recommended by the developer.

Commissioner Molloy motioned, seconded by Commissioner Felker.
Vote: Yes *(Felker, Bandy, Molloy, Nehring) Noes: (None) final vote 4:0:1*

Noes: NONE

Recusals: S. Bishop

4. A resolution of the Planning Commission contingently approving Development Plan Permit 2023-01 to allow for the development of 118 single-family units and related site amenities on a site located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APN 020-160-36S); and

Mr. Chaffin clarifies recommendation with conditions of approval identified by staff (to wit: COA 21 [to allow a wall or fence as low as six feet (6'), unless otherwise required by the Kerman Municipal Code or Mitigated Negative Declaration for the project, for the western and northern project boundaries]; and the addition of a COA for a right to farm covenant).

Commissioner Molloy motioned, seconded by Commissioner Bandy.
Vote: Yes *(Felker, Bandy, Molloy, Nehring) Noes: (None) final vote 4:0:1*

Noes: NONE

Recusals: S. Bishop

5. A resolution of the Planning Commission contingently approving Development Plan Permit 2023-02 to allow for the development of multi-family residential buildings and related site amenitites and Variance 2023-01 to allow a maximum building height of 45 feet and 3 stories for the proposed multi-family residential buildings, located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APN 020-160-36S); and

Mr. Chaffin clarifies recommendation with conditions of approval identified by staff (to wit: COA 21 [to allow a wall or fence as low as six feet, unless otherwise required by the Kerman Municipal Code or Mitigated Negative Declaration for the project, for the western and northern project boundaries, and seven feet along the train tracks]; and the addition of a COA for a right to farm covenant).Commissioner Molloy motioned, seconded by Commissioner Felker.
Vote: Yes ***(Felker, Bandy, Molloy, Nehring) Noes: (None) final vote 4:0:1***

Noes: NONE

Recusals: S. Bishop

6. A resolution of the Planning Commission contingently approving Conditional Use Permit 2023-02 that would allow multi-family uses and temporary drainage basin located on the east side of South Modoc Avenue between West Kearney Boulevard and West California Avenue (proposed) (APNs 020-160-36S and 020-160-18S).

Mr. Chaffin confirms the motion includes the right to farm disclosure (per General Plan policy LU-4.5) and cross access easement agreements for shared driveways; as well as, any other conditions in the tentative subdivision map that are carried over to the CUP map that may be inconsistent.

Commissioner Bandy motioned, seconded by Commissioner Molloy.
Vote: Yes ***(Felker, Bandy, Molloy, Nehring) Noes: (None) final vote 4:0:1***

Noes: NONE

Recusals: S. Bishop

(PC takes a 5 min break)

B. **SUBJECT:** A continued public hearing regarding Annexation 2023-02, Mitigated Negative Declaration 2023-03, Rezone 2023-02, Tentative Subdivision Map 2023-02, and Development Plan Permit 2023-03, pertaining to the Crown-Schaad residential development, located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S) (JRO & JC)

Mr. Chaffin states a tentative map divides pieces of property vs. a vesting tentative map divides pieces of property with along with freezing certain regulations in place. Once approved (vesting tentative map) it locks in the regulations and fees that were in effect at that time.

Post-presentation Commissioner Molloy raises concerns over open park space. Unclear where space is, concludes it is not Soroptimist Park.

Mr. Orozco clarifies that there is a soon-to-be developed park North of the Crown-Schaad residential development.

Commissioner Felker raises concerns over Crown-Schaad resident's access to the proposed North park, as well as on-street parking.

Ms. Chillingerian states interior streets have to be a minimum of 32 ft curb to curb. South Kenneth Ave is a little bit wider connecting the subdivision to the proposed park. As for on street parking, street parking is included in the code for a smart development zone district.

Commissioner Molloy asks Mr. Orozco if the streets in the Crown-Schaad homes will have the same with as the Crown Tract 6236 (North Whitesbridge, East Siskiyou.) States when two vehicles are parked on either side of the street, there is not enough space for two cars to pass.

Mr. Orozco responds street width could possibly be the same; however, subdivision has rolled curbs and the lack of space could be attributed to human behavior in regards to parking.

Jose Lemus, Civil Engineer for Crown Homes agrees with Mr. Orozco in regards to human behavior and parking at curbs. In regards to park access, Mr. Lemus states there will be accessibility to the future park. As for street parking near the future park, this development will be at a walking distance.

Commissioner Felker expresses dislike of street parking in residential areas. Feels like we're heading in the wrong direction.

Mr. Lemus responds that the development includes 2 car garages with an option for a third, as well as 2 additional parking in the driveway.

Commissioner Felker reiterates concern about residential parking.

Mr. Orozco states development accommodates 2 standard family cars as well as on-street parking that is embedded in the Zoning Code.

-inaudible-

Mr. Lemus states anywhere longer that 600 ft traffic circles will be implemented in the intersections that emergency vehicles can easily maneuver for the purpose of deterring people from speeding.

Mr. Chaffin added a new condition of approval number 25: *Applicant/owner shall provide a right to farm disclosure to purchaser's consistent with the General Plan policy LU-4.5.*

RECOMMENDATION: The Kerman Planning Commission conduct a public hearing, deliberate, and by motion, adopt:

1. A resolution of the Planning Commission recommending the City Council to initiate annexation for the Crown Schaad residential project consisting of one (1) parcel identified as APN 020-140-22S containing approximately 9.69 acres located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (Annexation 2023-02), and adopt Mitigated Negative Declaration (ENV 2023-01) and Mitigated Monitoring and Reporting Program; and

2. A resolution of the Planning Commission recommending that the City Council adopt an ordinance approving Rezone 2023-02 to amend the official zoning map of the City of Kerman to pre-zone a property containing approximately 9.69 acres (APN 020-140-22S) to the SD-R-4.5 (Smart Development Combining District – Residential – minimum 4,500 square feet) Zone District and rezone a property containing approximately 19.65 acres (APN 020-140-23S) from the R-1-7 (Single-Family Residential) Zone District to the SD-R-4.5 Zone District located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues; and

3. A resolution of the Planning Commission recommending to the City Council approval of Tentative Subdivision Map 2023-02 located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S); and

4. A resolution of the Planning Commission contingently approving Development Plan Permit 2023-03 that would facilitate the development of a 163-unit residential development in addition to related on/off-site improvements (e.g., roadways, sidewalks, landscaping), located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S), subject to final approval of TSM 2023-02.

Vice Chairperson Nehring closes the public meeting at 8:23 P.M.

Commissioner Felker motioned, seconded by Commissioner Molloy with modified conditions of approval to the Development Plan and Subdivision Map.

Vote: Yes *(Felker, Bandy, Molloy, Nehring, Bishop) Noes: (None) final vote 5:0*

Noes: NONE

4. ADJOURNMENT

@ 8:24 P.M.

MINUTES CERTIFICATION

I, Juliana Gomez, Recording Secretary for the City of Kerman, do hereby declare under penalty of perjury that the above minutes are a true depiction of all actions taken at the City Council meeting held on the first date above written at Kerman City Hall, 850 S. Madera Ave, Kerman, CA.

Date: August 6, 2024 /s/ Juliana Gomez, Recording Secretary